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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 24th April, 2013

No.5593/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 6th April, 2013 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**THE ODISHA SCHEDULED CASTES SUB-PLAN AND TRIBAL
SUB-PLAN (PLANNING, ALLOCATION AND UTILISATION
OF FINANCIAL RESOURCES) BILL, 2013.**

(By Shri Ranendra Pratap Swain, M.L.A.)

**A
BILL**

To ensure, accelerated development of Scheduled Castes and Scheduled Tribes with emphasis on achieving equality in the next ten years focusing on economic, educational and human development along with ensuring the security and social dignity and promoting equity among Scheduled Castes and the Scheduled Tribes, by earmarking a portion, in proportion to population of Scheduled Castes and Scheduled Tribes in the State, of the total plan outlay of the State of Andhra Pradesh as the outlay of the Scheduled Castes Sub-Plan / Tribal Sub-Plan of the State and ensuring effective institutional mechanisms for the implementation and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth year of the Republic of India as follows:

CHAPTER-I

PRELIMINERY

Preliminary
Short title,
extent,
commence-
ment,
duration
and savings.

1. (1) This Act may be called the Odisha Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2013.
- (2) It extends to the whole of the State of Odisha.
- (3) It shall come into force on such date as the State Government may, by notification in the ODISHA Gazette, appoint, and different dates may be appointed for different provisions of this Act.
- (4) It shall cease to have effect after the expiry of ten years from the date of commencement, except in respect of things done or omitted to be done before such cesser and upon such cesser the ODISHA General Clauses Act, 1891, shall apply as if this Act had been repealed by a State Act.

Definitions.

2. In this Act, unless the context otherwise requires,-
 - (a) **“The Department”** means any Government Department concerned with implementation of the plan schemes for the welfare of Scheduled Castes and Scheduled Tribes;
 - (b) **“Gaps in development”** means differences in development indicators of Scheduled Castes / Scheduled Tribes when compared to the state averages, as may be prescribed particularly relating to human and economic development;
 - (c) **“General Schemes”** means schemes included in the Annual Plans of the Departments which benefit all social groups including Scheduled Castes and Scheduled Tribes.
 - (d) **“Government”** means the State Government of ODISHA;
 - (e) **“Nodal Agency for SCSP”** means the committee headed by Minister of ST&SC Development Minorities & Backward Classes Welfare;
 - (f) **“Nodal Agency for TSP”** means the committee headed by the Minister of ST&SC Development Minorities & Backward Classes Welfare;
 - (g) **“Nodal Department”** means ST&SC Development Minorities & Backward Classes Welfare;

- (h) **“Notification”** means notification published in the ODISHA Gazette and the word ‘Notified’ shall be construed accordingly;
- (i) **“Prescribed”** means prescribed by the Government by rules made under the Act;
- (j) **“State Council”** means **State Council for Development of Scheduled Castes and Scheduled Tribes constituted under the Act**;
- (k) **“Scheduled Castes and Scheduled Tribes”** shall have the meaning assigned respectively under clauses (24) and (25) of article 366 of the Constitution of India;
- (l) **“Scheduled Castes Sub-Plan (SCSP)”** means the Plan approved by the **State Council for inclusion in the Annual Plan of the Department to bridge** the gap in development of Scheduled Castes and shall include the SC component of general schemes;
- (m) **“Tribal Sub-Plan (TSP)”** means the plan approved by the **State Council** for inclusion in the Annual Plan of the Department to bridges the gap in development of Scheduled Tribes and shall include the ST component of general schemes;
- (n) **“Scheduled Castes Sub-Plan / Tribal Sub-Plan Fund”** means a portion of the total plan outlays of the State, in a financial year, as earmarked under the section 3;
- (o) **“Scheduled Castes Sub-Plan / Tribal Sub-Plan Schemes”** means the Scheduled Castes Sub-Plan / Tribal Sub-Plan schemes included in the Scheduled Castes Sub-Plan / Tribal Sub-Plan of the Departments;
- (p) **“Scheduled Caste / Scheduled Tribe habitation”** means any habitation where population of Scheduled Castes or Scheduled Tribes or combined population of Scheduled Castes and Scheduled Tribes is not less than 40% of the total population of the habitation;
- (q) **“Sub-Plans”** means Scheduled Castes Sub-Plan (SCSP) or Tribal Sub-Plan (TSP) or both.

CHAPTER-II

PLANNING RESOURCE ALLOCATION FOR SCHEDULED CASTES SUB-PLAN AND TRIBAL SUB-PLAN FUNDS AND SCHEMES.

Earmarking of Scheduled Castes Sub-Plan / Tribal Sub-Plan Fund from Plan outlays.

3. The State shall, in every financial year, earmark in such manner as may be prescribed, a portion of the total Plan outlays of the State which shall be proportionate to the Scheduled castes/Scheduled Tribe population of the State, to be called as Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund:

Provided that, the Fund to be earmarked is determined at least 6 months prior to commencement of the next financial year.

Provided further that, the Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund outlay shall be revised according to State Annual Plan final outlay and;

Provided also that the expenditure of the SCSP/TSP Fund shall be accounted for in the manner hereafter specified in this Act.

Communication of Plan outlay earmarked as Scheduled Castes Sub-Plan / Tribal Sub-Plan Fund to the departments

4. The department as may be authorized by the Government shall, in every financial year, communicate, in the manner prescribed, to the other departments a tentative plan outlay out of Scheduled castes Sub-Plan / Tribal Sub-Plan Fund as earmarked under Section 3 for preparation of respective department wise Scheduled Castes Sub-Plan / Tribal Sub-Plan.

Schemes to be included under the Scheduled Castes Sub-Plans and Tribal Sub-Plans.

5. The Sub-Plans of the departments shall include only such schemes that secure direct and quantifiable benefits to the Scheduled Caste / Scheduled Tribe individuals or Scheduled Caste / Scheduled Tribe households or Scheduled Caste / Scheduled Tribe habitations or Tribal areas and that have the potential to bridge the gaps in development following the norms laid down in this Act and the rules made thereunder:

Provided that the schemes should be consistent with the Annual and five year plans and priorities of the State of ODISHA as may be communicated by the Planning department.

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| Promotion of equity among Scheduled castes and Scheduled Tribes. | 6. | The departments shall prepare Scheduled Castes Sub-Plan / Tribal Sub-Plan to promote equity in the development among various social groups within Scheduled Castes / Scheduled Tribes and focused development of backward Scheduled Caste/ Scheduled Tribe habitations |
| Obligation to cover Scheduled Castes / Scheduled Tribes in general schemes. | 7. | The departments shall ensure coverage of Scheduled castes / Scheduled Tribes in the ongoing general schemes consistent with their eligibility for the same. |
| Formulation of Scheduled Castes Sub-Plan / Tribal Sub-Plan Schemes and preparation of Sub-Plans by the departments | 8. | On receipt of communication under section 4, each department, shall, after estimating the gaps in the development of Scheduled Castes / Scheduled Tribes, prioritize the development needs of Scheduled Castes / Scheduled Tribes through a consultative process, as may be prescribed, and shall formulate the Scheduled Castes Sub-Plan / Tribal Sub-Plan schemes and prepare the Sub-Plans comprising of the Scheduled Castes Sub-Plan / Tribal Sub-Plan schemes, within the State Plan priorities as communicated under section 5. |
| Submission of Sub-Plans proposed to be included in the Annual Plan for appraisal. | 9. | Each department, excluding the departments separately notified under this Act, Shall submit, each year, to the respective Nodal Departments, the Sub-Plans comprising of Scheduled castes Sub-Plan / Tribal Sub-Plan schemes proposed to be included in the Annual Plans, for appraisal by the Nodal Agency concerned, within the timeframe and in the format, as may be prescribed. |

CHAPTER-III

APPRAISAL, ALLOCATION OF SCHEDULED CASTES SUB-PLAN / TRIBAL SUB-PLAN FUND AND APPROVAL OF THE SUB –PLANS.

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| Appraisal of the Scheduled Castes Sub-plan and Tribal Sub-Plan schemes by the Nodal Agencies. | 10. | The Nodal Agency for Scheduled Castes Sub-Plan/Tribal Sub-Plan, shall take up appraisal of the Scheduled Castes Sub-Plan schemes and Tribal Sub-Plan schemes respectively submitted by departments, to ensure conformity with the conditions and norms laid down in the Act. |
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Allocation of Scheduled Castes Sub-Plan Fund and Tribal Sub-Plan Fund for financing the Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes included in the Sub-Plan.

11. The respective Nodal Agency, while indicating allocation of Scheduled Castes Sub-Plan Fund and Tribal Sub-Plan Fund to the Scheduled Castes Sub-Plan / Tribal Sub-Plan schemes shall follow the following norms namely:—

- (a) for schemes exclusively benefitting Scheduled Caste / Scheduled Tribe households, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan / Tribal sub-Plan fund;
- (b) for schemes benefitting Scheduled Caste / Scheduled Tribe habitations, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan / Tribal Sub-Plan fund. In case of other habitations the cost shall be allocated and accounted for under Scheduled Castes Sub-Plan / Tribal Sub-Plan in proportion of the population of the Scheduled Castes or Scheduled Tribes;
- (c) for general schemes, included in the Sub-Plans, benefitting Scheduled Caste /Scheduled Tribe individual or Scheduled Caste/Scheduled Tribe households, alongwith others, the scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan / Tribal Sub-Plan, in proportion to the Scheduled Caste / Scheduled Tribe beneficiaries covered;
- (d) in respect of non-divisible infrastructure works a portion of the scheme cost as may be determined by the Government shall be deemed to have attributed for Scheduled Castes Sub-Plan and Tribal Sub-Plan and Tribal Sub-Plan respectively.

Recommendation by the Nodal Agencies and Nodal Department

12. The schemes that fulfill the norms laid down in the Act shall be recommended by Nodal Agency for Social Welfare and Nodal Agency for Tribal Welfare for inclusion in the Annual Plan proposals of the departments and aggregated for placing before the State Council for Development of Scheduled Castes and Scheduled Tribes, for consideration and approval as pre-budget prove.

CHAPTER-IV

BUDGET PROVISIONING, DISTRIBUTION AND STRENGTHING OF IMPLEMENTATION MACHINERY.

Budget
allocations

- 13.** The Budget approved by the State Council for Scheduled Castes Sub-Plan/Tribal Sub-Plan shall be included in the demands for Grants for the departments under the relevant head of account for the Scheduled Castes Sub-Plan/Tribal Sub-Plan.

Scheduled
Castes
Sub-Plan
and Tribal
Sub-Plan
wing in
Finance
department

- 14.** The Government shall appropriately strengthen the Finance Department as may be prescribed for performing the functions relating to Budget implementation and allocation according to the provisions of this Act within the overall discipline of the ways and means position as determined by the Finance department.

Budget
Release Orders.

- 15.** Budget Release Orders shall be issued to each department, for the amount provided in the Budget Estimates for Scheduled Castes Sub-Plan / Tribal Sub-Plan immediately after passing of the budget by the State Legislature in accordance with the schedule and norms prescribed.

CHAPTER-V INSTITUTIONAL ARRANGEMENTS

State Council for
Development of
Scheduled Castes
/ Scheduled
Tribes.

- 16.** (1) As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute a Council under the Chief Minister, to be known as the State Council for Development of Scheduled Castes and Scheduled Tribes to exercise the powers conferred and to perform the functions assigned to it under the Act and the rules made thereunder.
- (2) The State council shall meet at least twice in a year.

Function of the
State Council

- 17.** The State Council shall,
- (a) advise the State Government on all the policy matter relating to Scheduled Castes Sub-Plan / Tribal Sub-Plan;
 - (b) suggest measures for proper planning and implementation of the schemes by the departments;

- (c) approve the Annual Scheduled Castes Sub-Plan/ Tribal Sub-Plan proposals of the departments.
- (d) perform such other functions as may be prescribed

Nodal Agency
and Nodal
Department

- 18. (1)** Nodal Agency headed by Minister of ST&SC Development & Minorities & Backward Classes Welfare, be constituted in the manner prescribed, for Scheduled Castes Sub-Plan and Tribal Sub-Plan respectively and shall exercise the powers conferred and perform the functions assigned under this Act.
- (2)** The ST&SC Development & Minorities & Backward Classes Welfare Department will act as Nodal Department for assisting the respective Nodal Agency to perform its functions and exercise its powers.

Functions of
Nodal Agency
and Nodal
Departments.

- 19.** The respective Nodal Agency with the assistance of the respective Nodal Department shall :-

- (1) Evaluate and appraise Scheduled Castes sub-Plan/ Tribal Sub-Plan proposed by the departments for ensuring conformity to the provisions of this Act;
- (2) Prepare State Scheduled Castes Sub-Plan / Tribal Sub-Plan for placing before the State Council for Development of Scheduled Castes and Scheduled Tribes for consideration and approval;
- (3) Recommend reallocation of Scheduled Castes Sub-Plan / Tribal Sub-Plan Funds from a department to other department;
- (4) Review the implementation and monitoring of the Scheduled Castes Sub-Plan/Tribal Sub-Plan programme;
- (5) Identify impediments and suggest measures for overcoming this impediments;
- (6) Co-ordinate with the departments for preparation of State level and district level Scheduled Castes Sub-Plan / Tribal Sub-Plan;
- (7) Maintain transparency in expenditure; maintain scheme wise; district wise; village wise and beneficiary wise

details as may be prescribed; set up a web portal for tracking the progress of the implementation, expenditure, output and outcome indicators as may be prescribed of Scheduled Castes Sub-Plan / Tribal Sub-Plan;

- (8) Facilitate at least annual social auditing of expenditure of Scheduled castes Sub-Plan / Tribal sub-Plan funds and facilitate analysis of improvement in Human Development Index against the projections for the State and district;

Provided that the directions of the Nodal Agency shall be binding on the Departments.

Administrative and Technical support to Nodal Department for Scheduled Castes Sub-Plan / Tribal Sub-Plan.

- 20.** The Government shall appropriately strengthen the Nodal Department of ST&SC Development & Minorities & Backward Classes Welfare Department with an Administrative and Technical Support Unit and a Sub-Plan Research Centre as may be prescribed, to perform the functions and discharge the duties assigned to it and to assist the respective Nodal Agency.

Department level Sub-Plan Support Unit.

- 21.** The departments as identified by the State Council may establish a Sub-Plan support Unit, as may be prescribed to manage the respective Scheduled Castes Sub-Plan and Tribal Sub-Plan.

Implementation of Scheduled Castes Sub-Plan / Tribal Sub-Plan schemes in the districts.

- 22.** (1) The Government shall constitute a District Monitoring Committee in each district with the District Collector as its chairman, which shall be responsible for implementation of the Scheduled Castes Sub-Plan / Tribal Sub-Plan in the district.
- (2) The district Planning Committees of each district shall review the implementation of Scheduled Castes Sub-Plan / Tribal Sub-Plan periodically.

Institutional strengthening for effective implementation and monitoring.

- 23.** The respective departments of Government shall take such measures as may be necessary for institutional strengthening of State, District and Sub-District Units by

providing necessary guidelines, staff and training to the staff in the manner prescribed, for effective implementation and monitoring.

CHAPTER-VI

TRANSPARENCY AND ACCOUNTABILITY IN THE IMPLEMENTAION OF SCHEDULED CASTES SUB-PLAN/ TRIBAL SUB-PLAN.

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| Transparency and accountability | <p>24. (1) Each department shall ensure transparency and accountability at all levels in the implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan schemes.</p> <p>(2) Each department shall, host the documents, as may be prescribed in public domain.</p> |
| Incentives and penalties. | <p>25. Government shall formulate an appropriate scheme, to award incentives for commendable performance and disincentives for proven negligence and lack of due diligence, in discharge of responsibilities under this Act by any functionary or official concerned;</p> <p style="padding-left: 40px;">Provided that disciplinary action shall be governed by the relevant service / disciplinary rules applicable to the Government officials and functionaries.</p> |
| Annual Report to be placed before State Legislature. | <p>26. The Nodal agency shall place before the State Legislature, an Annual Report on outcome of implementation of Scheduled Castes Sub-Plan/ Tribal Sub-Plan containing department-wise achievements and the un-utilized funds during the financial year under report.</p> |
| Power to make Rules. | <p>27. (1) Subject to the other provisions of this Act, the Government may, by notification, make rules for carrying out all or any of the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:</p> <p style="padding-left: 40px;">(a) determination of gaps in development of Scheduled Castes and Scheduled Tribes under Section 2;</p> <p style="padding-left: 40px;">(b) earmarking Scheduled Castes Sub-Plan / Tribal Sub-Plan Funds from the plan outlays under section 3.</p> |

- (c) identification of Scheduled Castes Sub-plan / Tribal Sub-Plan Schemes and preparation of Sub-Plans by the departments under section 8;
 - (d) preparation of budget proposal of Scheduled Castes Sub-Plan / Tribal Sub-Plan for appraisal by the Nodal departments under section 9;
 - (e) strengthen the Finance Department for monitoring expenditures under the Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 14;
 - (f) constitution of, and transaction of business in the State Council for development of Scheduled Castes and Scheduled Tribes, the qualification, disqualification and other allowances to the non-official members of the State Council under section 16;
 - (g) constitution of Nodal Agencies for Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 18;
 - (h) maintenance of a web portal by the Nodal Agency under section 19;
 - (i) constitution of Administrative and Technical Support Unit in respective Nodal Department for Scheduled Castes Sub-Plan / Tribal Sub-Plan under section 20;
 - (j) constitution of Sub-Plan Support Unit at department level under section 21;
 - (k) constitution of District Monitoring Committees and the connected matters under section 22;
 - (l) institutional strengthening at State, district and sub-district level for ensuring effective implementation, awareness, mass contact programme, social audit and monitoring of Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 23; and
 - (m) procedures for ensuring transparency and accountability in the implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 24.
- (3) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be

comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in Making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove
difficulties

28. (1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order, make such provisions or give such directions not inconsistent with the provisions of the Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as it is made, before each house of the State Legislature.

STATEMENT OF OBJECTS AND REASONS

1. It has inter alia been resolved in the Preamble of the Constitution of India to secure to all its citizens, justice, social, economic and political and equality of status and of opportunity amongst others.
2. It shall be the duty of the State to apply the Directive Principles of State Policy under Part IV of the Constitution of India in making laws and according to article 46 under said part, the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.
3. To accelerate the socio economic, educational and cultural development, the Government of India and the Planning Commission have suggested from time to time, starting with Fifth Five Year Plan (i.e. since 1974) in case of Scheduled Tribes and Sixth Five Year Plan in case of Scheduled Castes (i.e. 1979-80), that funds in each annual plan be earmarked for accelerating the socio-economic development of Scheduled Tribes and Scheduled Castes respectively. This strategy is referred to as Scheduled Caste Sub-Plan (SCSP) and Tribal Sub-Plan(TSP).
4. In the 51st meeting of the National Developmental Council, the Prime Minister in his address stated that both the Sub-Plans should be in integral part of Annual Plans as well as Five Year Plans making provisions therein non-divertible and non-lapsable with the clear objective of bridging the gap in socio-economic development of the Scheduled Castes and Scheduled Tribes within a period of ten years.
5. The State of ODISHA is determined to fully harness the potential of Scheduled Castes Sub-Plan and Tribal Sub-Plan towards bridging the gaps in development of Scheduled Castes and Scheduled Tribes when compared with the State average.
6. It has been considered to provide an appropriate Legislative frame work for accelerated development of Scheduled Castes and Scheduled Tribes for ensuring security, social dignity and promotion of equity.

Accordingly, it has been decided to undertake a legislation and provide for the following matters in the said legislation:

- a) earmarking of Scheduled Castes Sub-Plan / Tribal Sub-Plan Fund from plan outlays.
- b) allocation of Scheduled Castes Sub-Plan / Tribal Sub-Plan Fund to various departments as approved by a Council headed by the Chief Minister.

- c) criteria for allocation of Scheduled Castes Sub-Plan / Tribal Sub-Plan Funds to be specified for better targeting of Scheduled Caste / Scheduled Tribe population / areas along with norms for attributing expenditure to Scheduled Castes Sub-Plan / Tribal Sub-Plan.
- d) promotion of equity in development among Scheduled Castes / Scheduled Tribes.
- e) planning and appraisal process for the Sub-Plans to be clearly outlined.
- f) State and District level institutional mechanisms to be strengthened for effective implementation, monitoring and evaluation,
- g) ensure transparency and accountability at all levels in the State Government in the implementation of schemes.
- h) establish a comprehensive Management Information System to monitor the outcomes.
- i) provision of social audit of the Sub-Plans every year.

7. The Bill seeks to achieve the above objects.

RANENDRA PRATAP SWAIN
Member-in-Charge

A. K. SARANGI
Secretary
Odisha Legislative Assembly